

"Approved by the City Council/Redevelopment Agency Board on March 8, 2006."

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
February 8, 2006**

The City Council/Agency Board of the City of Westminster, California convened on February 8, 2006 at 6:05 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, FRY, MARSH, QUACH
ABSENT: PARIS

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 14325 Goldenwest Street; Agency Negotiators: City Manager Vangie Schock and Interim Economic Development Manager Ray Silver; Negotiating party: Van Riley; Under Negotiation: Price and Terms of Payment.
- 2) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 1025 Westminster Mall; Agency Negotiators: City Manager Vangie Schock and Interim Economic Development Manager Ray Silver; Negotiating party: Jeff Meyer; Under Negotiation: Price and Terms of Payment.

RECESS: At 7:00 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:09 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, FRY, MARSH, PARIS, QUACH
ABSENT: NONE

SALUTE TO FLAG: Led by Council Member Quach

INVOCATION: Mayor Rice gave the invocation.

REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of Closed Session.

SPECIAL PRESENTATIONS:

- A. The 6th grade students at DeMille Elementary School presented a hanging dove banner to the Police Department in remembrance of Officer Steve Phillips and Lieutenant Ron Weber. The students will be doing fundraisers to pay for the cost of the memorial sign in memory of Officer Phillips on Beach Boulevard.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of December 14, 2005, January 11, 2006 and January 25, 2006; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of January 23, 2006.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.3 **Agreement with Rutan & Tucker, LLP to Provide Legal Services to the City (502-18)**

ACTION: The Mayor and City Council:

- 1) Approved the agreement with Rutan & Tucker, LLP to provide legal services to the City and authorized the City Manager to execute the agreement on behalf of the City; and
- 2) Approved a purchase order in the amount of \$20,000.

1.4 Award of Contract for the Sigler Park Splash Pad and Restroom/Filtration Facility (502-04)

ACTION: The Mayor and City Council approved a contract with David Volz Design for the design of a splash pad and restroom/filtration facility at Sigler Park in the amount of \$86,000, and authorized the City Manager to execute the agreement on behalf of the City.

1.5 One year lease of five Harley Davidson Road King FLHPI Police Motorcycles (106-00)

ACTION: The Mayor and City Council authorized a purchase order to San Diego Harley Davidson in the amount of \$18,000.00 for a one year lease of five Harley Davidson Road King FLHPI police motorcycles.

1.6 Purchase of Banquet Facility Tables, Chairs and Carts for the Westminster Rose Center (106-00)

ACTION: The Mayor and City Council authorized a purchase order to Mity Lite, Incorporated in the amount of \$73,874.87 for the purchase of banquet facility tables, chairs, and carts for the Westminster Rose Center.

1.7 Notice of Completion for work performed by Action Awnings, Inc. for Water Vault Roof Replacement at 8210 Jasmine Street (502-01)

ACTION: The Mayor and City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

ORDINANCES (SECOND READING)/RESOLUTIONS**1.8 Resolution No. 3972 – A Resolution of the Mayor and City Council of the City of Westminster Approving the Application for Grant Funds for the Per Capita Grant Program, California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (701-02)**

ACTION: The Mayor and City Council adopted Resolution No. 3972 and waived further reading.

ADMINISTRATIVE ITEMS**(REMOVED AND HEARD SEPARATELY)****1.9 Waiver of Rental Fees/Community Services Building (702-06)**

Council Member Marsh stated that Items Nos. 1.9 through 1.12 on the Consent Calendar should indicate a recommendation of approval, rather than to take the item under consideration.

Motion was made by Council Member Marsh, seconded by Council Member Quach to approve the request from American Family Housing dba Shelter for the Homeless, for waiver of fees for the use of the Community Services Building (East/West Room) on Friday, March 17, 2006 between the hours of 6 p.m. and 10:00 p.m. for a fundraiser.

The motion carried by a 5-0 vote.

(REMOVED AND HEARD SEPARATELY)

1.10 Waiver of Rental Fees/Community Services Building (702-06)

See Council Member Marsh's reason for removing this item for separate consideration, listed under Item No. 1.9.

Motion was made by Council Member Marsh, seconded by Council Member Paris to approve the request from Toastmasters for waiver of fees for the use of the Community Services Building ((A/B Room) on Saturday, March 11, 2006 between the hours of 12:00 noon and 4:00 p.m. for a speech contest.

The motion carried by a 5-0 vote.

(REMOVED AND HEARD SEPARATELY)

1.11 Waiver of Rental Fees/Community Services Building (702-06)

See Council Member Marsh's reason for removing this item for separate consideration, listed under Item No. 1.9.

Council Member Marsh stated that the Huntington Beach Union High School District is the actual entity that is applying for the fee waiver request. He stated that the adopted Administrative Fee Waiver Policy requires mutual cooperation between public agencies through a reciprocity agreement. He asked the Director of Community Services whether a reciprocity agreement had been signed, to which the Director of Community Services responded that it has not.

Motion was made by Council Member Marsh, seconded by Council Member Quach to deny the request from Transition Partnership Program and WorkAbility I Program at Westminster High School for waiver of fees for the use of the Community Services Building (East/West Rooms) on Friday, May 26, 2006 between the hours of 8:00 a.m. and 11:00 a.m. for their Annual WorkAbility Recognition Breakfast.

Council Member Quach added to the motion to direct staff to contact the Huntington Beach Union High School District to see if they would be willing to sign a reciprocity agreement, and if so, the Council would be willing to reconsider their request. Council Member Marsh, the maker of the motion, agreed and said the item could be agendaized for the next meeting.

The motion carried by the following roll call vote:

AYES: RICE, MARSH, QUACH
NOES: FRY, PARIS
ABSTAIN: NONE

(REMOVED AND HEARD SEPARATELY)

1.12 Waiver of Rental Fees/Community Services Building (702-06)

See Council Member Marsh's reason for removing this item for separate consideration, listed under Item No. 1.9.

Motion was carried by Council Member Marsh, seconded by Council Member Quach, to approve the request from Westminster Senior Center Foundation for waiver of fees for the use of the Community Services Building (East/West Rooms) on Wednesday, May 17, 2006 between the hours of 9:00 a.m. and 1:00 p.m. for their Senior Expo fundraiser. The motion carried by a 5-0 vote.

WARRANT REGISTER

1.13 (City Council/Redevelopment Agency) Warrant Register dated January 18 through 31, 2006 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.14 2004-05 Redevelopment Agency Annual Report (901-04)

ACTION: The Mayor and City Council received and filed the 2004-2005 Redevelopment Agency Annual Report.

1.15 Minutes of the Planning Commission meeting held on January 4, 2006 (104-11)

ACTION: Received and filed.

1.16 Minutes of the Westminster Youth Committee meeting held on December 14, 2005 (104-17)

ACTION: Received and filed.

1.17 Minutes of the Cultural Arts Commission meeting held on November 3, 2005 (104-06)

ACTION: Received and filed.

1.18 Minutes of the Commission on Aging on Aging meeting held on December 12, 2005 (104-03)

ACTION: Received and filed.

1.19 Minutes of the Community Services & Recreation Commission meeting held on November 8, 2005 (104-05)

ACTION: Received and filed.

1.20 Minutes of the Traffic Commission meeting held on January 3, 2006 (104-12)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Agency Vice Chair Fry, and seconded by Council/Agency Member Paris, to approve the Consent Calendar, with the exception of Item Nos. 1.9, 1.10, 1.11 and 1.12, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Phil Hodgetts, resident of Westminster, spoke regarding a South Coast Air Quality Management District (AQMD) conference that he will be attending on Friday, February 17, 2006 regarding *"Asthma Impacts of Air Pollution --- Healthier Solutions Today for Our Children's Tomorrow"*.

Vu Nguyen, owner of a strip mall located at the corner of Bishop and Moran Streets, expressed concern with tour buses parking on Bishop and Moran Streets on a daily basis. The occupants of the buses create a mess in front of his property, and he has had to hire people to clean up after them. The buses also are creating large potholes in the street.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on February 1, 2006

The Community Development Director reviewed the actions of the Planning Commission meeting of February 1, 2006:

- 1) Ordinance amendment to adopt a new formula for calculating credit for parkland dedication or in-lieu fees.

4. PUBLIC HEARINGS**4.1 REVIEW OF CASE NO. 2005-59 (SITE PLAN, DESIGN REVIEW, VARIANCE) 14502 BEACH BOULEVARD; APPLICANT: ENTER-ARC, INC., LANCE BROWN, A.I.A. (201-00) (CN 2005-59)**

Time set for a public hearing to review the Planning Commission's decision to approve development of a 5,535 square foot retail building including variances for setbacks, number of freestanding signs, and pylon sign area. The Municipal Code provides for building setbacks of 26 feet along this segment of Beach Boulevard. The applicant proposes a setback of 10 feet. The Municipal Code provides for a maximum of one freestanding sign per commercial-zoned lot with a street frontage of 101-300 linear feet. The applicant proposes two freestanding signs. The Municipal Code provides for a maximum sign area of 100 square feet per face for pylon signs. The applicant proposes a sign area of 225 square feet per face, and the Planning Commission approved 120 square feet per face, for the proposed pylon sign. After the public hearing held during their regular meeting of January 4, 2006, the Planning Commission approved the site plan, design review, and three variances subject to conditions.

The Director of Community Development stated that this former gas station site was called up for review at a previous Council meeting by Council Member Marsh, in order for staff to look at the environmental review of this property.

Council Member Marsh said at the time he called this matter up for review, he had stated that he represented a prospective purchaser of the property a few years ago, and he believed that he disclosed to the Council that there was ongoing remediation at the site, as well as reporting obligations to the appropriate environmental agencies.

The Director of Community Development reported that staff had found that a categorical exemption was made on the property, based on the fact that the property was not on an environmental list maintained statewide. After further review, the Interim Planning Director found that there is a list, and the property does appear on the LUFT (Leaking Underground Fuel Tank) list. The Orange County Health Care Agency was involved in the monitoring and a letter was received that the site has been cleaned. However, since the property still appears on the list as a contaminated site (even though it is cleaned), an initial study must be done. He said that the matter has been discussed with the City Attorney, which is the reason for the recommended action.

Council Member Marsh asked the applicant whether or not the seller disclosed the history of the site or any environmental factors.

Shawn Danesh, property owner and President of Calvada Development, responded that when the property was purchased in 2004, there was no environmental risk, as the property was already clean. The second sign-off from

the Orange County Health Care Agency will come after two years. He said that the groundwater is monitored quarterly to make sure nothing comes back, and that he has not yet received that sign-off.

Council Member Marsh commented that it's imperative the adjacent residence be notified of this issue.

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry to vacate the prior decision by the Planning Commission (approving the project), and remand it back to the Planning Commission for reconsideration based on the need to prepare an Initial Study. The motion carried by a 5-0 vote.

4.2 ORDINANCE 2396 – AMENDMENT TO THE CITY'S HOME BUSINESS REGULATIONS (202-01)

Time set for a public hearing to consider a proposed ordinance pertaining to the City's Home Business Regulations. The proposed ordinance will eliminate the Home Business Committee and instead require review and action by the Planning Commission for those home businesses that are not permitted administratively. Such applications subject to the Planning Commission's review and action will also be subject to a filing fee and a public hearing before the Planning Commission. Currently, home businesses that are not allowed administratively and are not prohibited, require the action of the Home Business Committee. The proposed ordinance will also further clarify the list of prohibited and permitted home business uses.

The Director of Community Development reviewed the amendments proposed to Ordinance No. 2396.

Council Member Marsh suggested retaining the language on Page 6, Table B, relative to Day Care, Small Family, noting that state law could change or go away. He feels that a minimum requirement of 100 square feet of space for children is reasonable. He suggested acknowledgement language be added that Day Care, Small Family be held in abeyance or until it is superseded by state law.

Council discussion ensued relative to the proposed language change to Page 13 (F) of the Ordinance relative to Home Schooling.

It was recommended by the Director of Community Services that Section B on Page 11, relating to Home Businesses, be deleted in its entirety. It was Council's direction that the reference to Level One in Section A also be deleted.

The Director of Community Development recommended the deletion of the words "conditional use", on Page 12 (B)

MAYOR RICE OPENED THE PUBLIC HEARING. BEING THERE WAS NO ONE WISHING TO SPEAK IN FAVOR OR IN OPPOSITION; MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry, to accept the Planning Commission's recommendation to introduce Ordinance 2396, as amended, entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 17.05 (General Procedures), Chapter 17.60 (Home Businesses) and Chapter 17.08 (R1 Single Family Residence District) of the Westminster Municipal Code, Related to Home Business Permits", and waive further reading.

Council Member Marsh requested the proposed language on Page 13(F) "Home School, limited to providing schooling to those children whom reside at the residence" be change to read, "Home Schooling, without fee or charge". The maker and second to the motion agreed to the proposed change.

The motion carried by the following roll call vote:

AYES: RICE, FRY, MARSH, PARIS, QUACH
NOES: NONE
ABSTAIN: NONE

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Fry spoke regarding a letter that the Council received asking for a street name change on Moran Street. The letter asked that it be placed on the agenda. He feels that when a citizen asks to have an item on the agenda, it should be placed on the agenda. He stated that he received correspondence from Mr. Lloyd Duncan, and would like for the Police Department to arrange a ride-a-long for Mr. Duncan, that may resolve a lot of the problems he has. Mayor Pro Tem Fry further spoke regarding AQMD and air pollution caused by the recent fires.

Council Member Marsh and Council Member Quach concurred with Mayor Pro Tem Fry, stating that agendizing the item allows the opportunity to hear what they have to say.

Council Member Marsh thanked staff for addressing his concerns with shopping carts. However, it continues to be a growing problem, and he would like to see a short term solution. In addition, he thanked staff for handling the problem of cars parking in residential streets being used as storage lots. He reported that he and Mr. Phil Hodgetts will be attending the Grand Opening of Tiger Woods Center on Friday.

Mayor Rice addressed a letter that she received from Sharon Flores on Bryant Circle, expressing concern that a formal letter had not been sent out that the I-405 issue had been resolved. Mayor Rice requested that staff respond to Ms. Flores. The City Manager noted that she had already requested that the Director of Public Works/City Engineer respond to Ms. Flores. In addition, Mayor Rice said she has been approached by seniors from the Hoover Street complex that are having difficulty crossing the intersection with their walkers, due to the new brick pavers. She requested that the Director of Public Works/City Engineer look into this matter.

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Mayor Rice requested that Item No. 9.1 on the agenda be brought forward on the agenda at this time, as Council Member Paris will be leaving the meeting. A motion was made by Council Member Marsh, seconded by Council Member Quach, and carried unanimously to bring forward Item No. 9.1 at this time for consideration.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointment to Ad Hoc Water Rate Structure Committee (Council Member Paris appointee) (104-31)

Council Member Paris nominated Crystal Abbott to serve as his appointee to the Ad Hoc Water Rate Structure Committee.

Motion was made by Council Member Paris, seconded by Council Member Quach to appoint Crystal Abbott to serve as Council Member Paris' appointee to the Ad Hoc Water Rate Structure Committee. The motion carried by a 5-0 vote.

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The Mayor recessed the meeting at 8:23 p.m., and Council Member Paris left the meeting at this time. The meeting reconvened at 8:42 p.m. All members of the City Council/Agency Board were present, with the exception of Council/Agency Member Paris.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Fee Waiver Policy for Community Groups/Non-Profit Organizations (continued from the January 11, 2006 meeting) (103-02)

The Director of Community Services presented the report. He recommended that fee waiver requests be brought before the Council at the beginning of the calendar year.

Council Member Marsh said he is comfortable with having fee waiver requests brought before Council for consideration at the beginning of year, if the

application is complete with date of events, time, etc. The Director of Community Services responded that the completed applications would be submitted with the annual approval.

Council Member Marsh suggested that the first sentence of Administrative Regulation II (B), be amended to read as follows, "This category covers organizations that have offices or are otherwise located outside the City of Westminster, but still serve the Westminster community by providing support and/or services to the community or its residents, or have a demonstrated history of donations to the City of Westminster". He noted the final sentence shall remain the same.

Council Member Marsh further recommended correction to grammatical errors on Page 2, Section 1 of the Administrative Regulations to read as follows: "The group will provide an itemization of services that it has provided to the citizens of Westminster during the preceding two (2) years including dates of events, the nature and description of the events, the locations where the events were conducted, and persons in Westminster who can function as its references".

Motion was made by Council Member Quach, seconded by Council Member Marsh to

- 1) Adopt the proposed policy, as amended; and
- 2) Direct staff to review requests for facility fee waivers from local community groups with a track record of service to the community at one Council meeting.

The motion carried by a 4-0 vote, with Council Member Paris absent.

6.2 Renewal of Agreement for Federal Legislative Consultant (502-13)

Mayor Rice spoke in support of the agreement renewal, based on their ability to bring money to the City.

In response to Council Member Quach, the Assistant to the City Manager said that the City received \$1.4 million for the Beach/Edinger I-405 project last year, in addition to the previous \$1 million for the Westminster Rose Center.

Council Member Marsh commented that Jim McConnell and Thane Young are excellent and responsive. He stressed the need for staff to provide a breakdown of specific components within each of the four categories, as far as what are the highest priority. This information is important to the consultant and the congressmen that represent the City of Westminster.

The City Manager stated that Congressman Rohrabacher has been gracious in ear marketing monies for the City, and that the priorities with clear descriptions,

examples, uses, pictures designs, and concepts will be taken into consideration, in order to do a quality job for the community.

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry, to:

- 1) Approve the amendment to the agreement with James F. McConnell in the amount of \$72,000 for the period of March 1, 2006 to June 30, 2007, and authorize the City Manager to execute the agreement on behalf of the City; and
- 2) Approve the Federal Legislative priorities for Federal Fiscal Year 2007 attached to the staff report.

The motion carried by a 4-0 vote, with Council Member Paris absent.

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Mayor Pro Tem Paris participated in the meeting via teleconferencing at 9:00 p.m., lawfully noticed pursuant to Government Code Section 54953(b)(1).

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6.3 Deobligation of Community Development Block Grant (CDBG) Program funds from Fiscal Year 2005 and HOME Programs from Fiscal Years 2002, 2003, 2004, and 2005 (109-02)

The Director of Community Development explained in detail the reason for requesting the deobligation of the HOME and CDBG funds.

Council Member Marsh stated that he would like a broader scope of people to be given the opportunity to apply for the funds. The Director of Community Development responded that the funds are for construction. Groups that do have construction projects could apply for the funds.

Quanh Trinh, representing the Asian American Senior Citizen Center, implored the Council not to deobligate the funds for the Center awarded to them in April, 2005, as the Association desperately needs the funds to serve the seniors.

Motion was made by Mayor Pro Tem Fry, seconded by Council Member Quach, to authorize the staff to deobligate \$100,000 in CDBG funds that had been allocated to the Asian American Senior Center; and to deobligate HOME Program funds in the amount of \$129,281 allocated to Drug, Alcohol, Recovery Team (DART), \$370,493 allocated to Habitat for Humanity, and \$360,000 allocated to the First Time Homebuyer Program.

Mayor Rice stated her reason for voting in opposition is that she feels the needs of the Asian American Senior Citizens Center should be considered.

Council Member Quach stated that he feels the vote tonight memorializes Council action that had been determined at a previous meeting.

Council Member Marsh said he appreciates the fact that a new group of people are attempting to turn the organization around. However, the organization has, in some manner, failed in performing the duties for which monies were allocated to it previously. Since there are many groups seeking to have such monies, he feels it would be inappropriate to give further monies to this group.

The motion carried by the following roll call vote:

AYES: FRY, MARSH, QUACH, PARIS
NOES: RICE
ABSTAIN: NONE

6.4 Select date and time for a Moran Corridor Workshop to solicit input regarding future uses and zoning

It was the consensus of the Mayor and City Council to schedule the Moran Corridor Workshop for Tuesday, April 11, 2006 at 6 p.m.

6.5 (City/Agency) Consideration of alternative date for the regular meeting of March 8, 2006

The Mayor/Chair and Council/Agency Board took no action to consider an alternative meeting date.

6.6 Loan Agreement Policy between the Westminster Redevelopment Agency and the Friends of the Abbey Centre, Inc. dba the Rose Center Foundation (502-18)

The Finance Director presented the report.

Council/Agency Member Quach stated it would be better to wait and see if the Rose Center Foundation has an operating shortfall before presenting for adoption a Loan Agreement Policy. He feels that adopting a policy at this time sends a wrong message to the taxpayers.

Council/Agency Member Marsh said that no direction was given to staff to come back with a Loan Agreement Policy.

The Finance Director stated that direction was provided to staff at the October 26, 2005 meeting, and it was brought forth for consideration tonight to seek Council's direction regarding the potential loan or grant that was addressed in the Operating Plan.

Mayor/Chair Rice stated that the Rose Center Foundation will not go broke as they are booked solid.

Motion was made by Council/Agency Member Quach, seconded by Council/Agency Member Marsh to receive and file the report. The motion carried by a 5-0 vote.

6.7 The Westminster Rose Center Capital Replacement Reserve Account Contribution Agreement (502-23)

A motion was made by Mayor/Chair Rice to receive and file the report. The motion failed for lack of a second.

Council/Agency Member Marsh stated that this is a good policy. He requested additional clarification to the language in Resolution No. 3974 as follows:

Section 1. Findings. (a)(i) (1) to read, "generate job opportunities in the City" and (3) to read, "specifically encourage private investment in the City of Westminster;

Section 2. Approval. . To read, "The City Council hereby approves the Agreement. The City Council authorizes and directs the City Manager, with the concurrence of the City Attorney, to negotiate and draft the Agreement and to take such further actions and negotiate and draft such other agreements as may be necessary or appropriate in administering the actions authorized by this Resolution, subject to Council approval".

Council/Agency Member Marsh recommended the same changes be made to Resolution No. 177 for Agency approval. He believes the Agreement is good and does not precondition or anticipate failure, and will help make the Center be successful.

The Director of Finance stated that an opinion was received from the bond counsel to ensure compliance with the Infrastructure Redevelopment Plan (IRP) and California Redevelopment Law.

Council/Agency Member Marsh said he also would like the opinion letter to include that the resolutions and the contract (to the extent that it applies), are in compliance, and that they do not promote any violation of either the IRP or any applicable laws or regulations. The opinion letter should state that there is no modification and that it is in compliance with the IRP. He said that he believes the previous opinion letter did not state compliance with the IRP.

The City Attorney indicated that the final document will be provided for the entire Council.

Motion was made by Council Member Marsh, seconded by Council Member Quach that the Mayor and City Council:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 3974 entitled "A Resolution of the Mayor and City Council of the City of Westminster authorizing the Agency's use of tax increment funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center and making certain findings pursuant to Health and Safety Code Section 33445", as amended, and waive further reading.

The motion carried by the following roll call vote:

AYES: RICE, FRY, MARSH, PARIS, QUACH
NOES: NONE
ABSENT: NONE

Motion was made by Agency Member Marsh, seconded by Agency Member Quach, that the Chair and Agency Board:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 177 entitled, "A Resolution of the Westminster Redevelopment Agency approving the Rose Center Capital Replacement Reserve Account Contribution Agreement and the use of public funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center pursuant to Health and Safety Code Section 33445", as amended, and waive further reading.

The motion carried by the following roll call vote:

AYES: RICE, FRY, MARSH, PARIS, QUACH
NOES: NONE
ABSENT: NONE

Council/Agency Member Marsh stated that the motion also includes receiving the revised opinion letter from counsel.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Ordinance No. 2395 – Amending the Westminster Municipal Code Chapter 10.44 Relating to Parking of Non-Motorized Vehicles (805-10)

Motion was made by Mayor Pro Tem Fry, seconded by Council Member Quach, to adopt the proposed Ordinance.

Council Member Marsh stated that it was brought to his attention several years ago that recreational vehicles and automobiles, pursuant to state law, must be subject to the same period of time for parking restrictions on the street. He expressed concern that this rule made be violated by setting a 24-hour period on non-motorized recreational units. He asked that it be deferred so that the City Attorney's office can look into this.

Motion was made by Council Member Marsh, seconded by Council Member Quach to defer this item to the February 22, 2006 meeting. The motion carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:56 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of former Assemblyman Chet Wray, who passed away in December, 2005. The meeting was adjourned to Monday, February 13, 2006 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of reviewing funding options for the construction of a new police facility and to discuss City/Agency business.


Marian Contreras, City Clerk/Agency Secretary